

*Minutes of the June 25, 1999 Meeting  
City Council Chambers of Loma Linda  
25541 Barton Road  
Loma Linda*

1. Chair Stein called the meeting to order at 9:05 a.m.

Board Members Present

Karen Stein, Chair  
John Withers, Vice Chair  
Evelyn Hart  
Rodger Siems  
Melody Henriques

Staff Members Present

Gerard J. Thibeault, Executive Officer  
Kurt V. Berchtold, Assistant Executive Officer  
Joanne E. Schneider, Environmental Program Manager  
Karen Y. White, Executive Assistant  
Gary D. Stewart, Chief, Regulations Section  
Robert L. Holub, Chief, SLIC and Dairies Section  
Hope A. Smythe, Chief, Planning Section  
Bill Norton, Environmental Specialist III, SLIC and Dairies Section

Legal Counsel

Ted Cobb

State Board Representative

Mary Jane Forster

Public in Attendance

John Flemming, Western United Dairymen  
Matt Rayl, Serrano Creek Ranch Equestrian Center  
Pat Kilroy, City of Lake Elsinore  
Paul Davis, Town of El Mirage  
Layne Baroldi, Orange County Sanitation District  
Ronald Cate, Resident  
John Borges, Western United Dairymen  
Marjorie Mikels, Upland Resident

Anne Briggs, Eastern Municipal Water District  
Judy Laukey, Eastern Municipal Water District  
Burnell Cavender, San Bernardino Valley Water Conservation District  
Rod Cruze, City of Riverside  
Katherine O'Connor, Orange County Water District  
Bonnie Poulsen  
Glenn Durrington, Durrington Farms  
Jim Colston, Orange County Sanitation District  
George W. Muse, Jr., Metropolitan Water District of Southern California  
Tina Twing, San Bernardino County Planning Department  
Abraham Wubishet, U. C. Riverside, Cooperative Extension,  
San Bernardino  
Mark Norton, Santa Ana Watershed Project Authority  
Ron Green, Sampra Energy  
Mike Wellborn, County of Orange

2. Public Forum

Upland resident Marjorie Mikels expressed concern with regulatory agencies targeting the dairy industry for pollution in the Inland Empire. She contended that the pollution is being produced by local manufacturing facilities. She requested that stringent requirements be considered for these industrial sites to prevent possible health impacts to the community and degradation of water quality.

3. Approval of minutes of the Special Board Meeting of March 30, 1999 (postponed due to cancellation of the May 21, 1999 meeting).

There being no additions or corrections, the minutes of the special board meeting held on March 30, 1999, were approved, as presented.

4. Approval of minutes of the Regular Meeting of April 9, 1999 (postponed due to cancellation of the May 21, 1999 meeting).

There being no additions or corrections, the minutes of the regular meeting held on April 9, 1999, were approved, as presented.

5. Approval of minutes of the Subcommittee Meeting of May 21, 1999.

There being no additions or corrections, the minutes of the subcommittee meeting held on May 21, 1999, were approved, as presented.

6. Consideration of Consent Calendar Items

Upland resident Ms. Mikels requested to pull consent calendar item nos. 7, 8, 9, 10, 11, and 12, and reiterated comments shared during the public forum.

The Regional Board determined that Ms. Mikel's comments were not directly associated with items on the consent calendar. The Regional Board requested that Ms. Mikels meet with staff to further express her concerns regarding pollution produced by industrial sites in the Inland Empire.

Renewal of Waste Discharge Requirements for Fontana Wood Preserving, Inc., Fontana, San Bernardino County, NPDES No. CA8000343, Order No. 99-51

Renewal of Waste Discharge Requirements for Inland Empire Utilities Agency's Carbon Canyon Water Reclamation Facility, San Bernardino County, NPDES No. CA8000073, Order No. 99-36 (with errata sheet)

Renewal of Waste Discharge Requirements for California Steel Industries, Inc., San Bernardino County, NPDES No. CA0105449, Order No. 99-39

Renewal of Waste Discharge Requirements for Eastern Municipal Water District, Riverside County, NPDES No. CA8000188, Order No. 99-5 (with errata sheet)

Exemption from the Big Bear Valley Waste Discharge Prohibition for Subsurface Disposal System Use, Mr. and Mrs. Ron Cate, 675 Needle Lane, Big Bear City, San Bernardino County, APN 2350-381-02

Amendment of Cease and Desist Order No. 96-35 for Yucaipa Valley Water District, Order No. 99-47

Action: It was moved by Board Member Withers, seconded by Board Members Henriques, and unanimously carried to adopt Orders No. 99-51, 99-36, 99-39, and 99-5, to grant an exemption from the Big Bear Valley Waste Discharge Prohibition for Subsurface Disposal System Use for Mr. and Mrs. Ron Cate, and, to amend Cease and Desist Order No. 96-35 for Yucaipa Valley Water District, Order No. 99-47, as presented.

13. Dairy General Permit Workshop

Robert Holub, Chief of the SLIC and Dairies Section, presented this item. Mr. Holub stated that this is the third dairy workshop held by the Regional Board to discuss the proposed dairy permit and receive public comments from interested parties. During the prior dairy workshops, the Regional Board received many public comments from interested parties and local water agencies expressing their support of the proposed dairy permit and providing some recommended changes. Mr. Holub reviewed the three major issues of the proposed dairy permit: prohibiting application of manure in the Chino Basin, requiring removal of all manure from property within 90 days after removal of the manure from corrals in the Chino Basin, and requiring development of an Engineered Waste Management Plan for all facilities. One major concern related to the proposed dairy permit is the 90-day manure removal requirement. Mr. Holub stated that after receiving comments from the dairy industry, staff has decided to increase the 90-day manure removal requirement to 180 days to allow adequate time for manure removal. Mr. Holub emphasized that the Regional Board realizes that the dairy industry may not be able to meet all the requirements of the proposed dairy permit immediately. Therefore, staff intends to propose a cease and desist order concurrently with the dairy permit that will include a time schedule to ensure compliance with the proposed requirements. Mr. Holub emphasized that staff is willing to work with the dairy industry to develop a compliance schedule that will be achievable by most dairies. Mr. Holub emphasized that adequate information needed to prepare a time schedule for the proposed cease and desist order, has not yet been provided by the dairy industry.

Mr. Holub reviewed letters received from the United States Environmental Protection Agency, Orange County Water District, the dairy industry and local interested water districts. He indicated that staff would be preparing written comments in response to these letters. He further stated that during the next few weeks, staff will be finalizing the tentative dairy permit and a time schedule for the cease and desist order. Staff is anticipating mailing of the proposed permit and cease and desist order by July 16, 1999. Mr. Holub answered questions from the Regional Board.

Board Member Withers requested that the Regional Board receive copies of staff's written responses before the next meeting scheduled for August 20, 1999.

Comments were received from the following:

John Flemming, Consulting Engineer, Western United Dairymen, submitted written comments to the Regional Board regarding the required engineered waste management plan and also delineated costs associated with securing the plan. Mr. Flemming answered questions from the Regional Board.

Matt Rayl, Serrano Creek Ranch Equestrian Center, presented research material that compared and contrasted animal feeding operations to horse operations. The material primarily focused on the difference of weight, manure production and the amount of animals per acre. Mr. Rayl emphasized that this information would substantiate preparation of separate waste discharge requirements for animal feeding operations and horses. Mr. Rayl answered questions from the Regional Board.

Katherine O'Connor, Orange County Water District, submitted a resolution prepared by OCWD in support of the dairy permit, tentative Order No. 99-11, and the prohibition on manure application in the Chino Basin to protect surface and groundwater supply. She indicated that extension of the manure removal requirement to 180 days is not satisfactory and should be reduced to protect groundwater supply. The District requested a density adjustment of 4-6 cows per acre that would be consistent with waste discharge requirements issued by Region 5. Ms. O'Connor noted that the District will continue to support the Regional Board and requested adoption of tentative Order No. 99-11.

Glenn Durrington, Durrington Farms, presented to the Regional Board samples of dirt with and without manure application, noting the difference in the texture. He emphasized that in order to grow crops, the application of manure is critical. He further stated that a prohibition on manure application would result in most farmers going out of business. Mr. Durrington gave examples of the expense involved in purchasing commercial fertilizer and revenues associated with crop growth expenditures. He also suggested that the Regional Board develop a tracking system for the manure prohibition. Mr. Durrington answered questions from the Regional Board and Legal Counsel Ted Cobb.

Bob Feenstra, General Manager, Milk Producers Council, thanked the Regional Board for a working relationship during the past 25 years. Mr. Feenstra commented on Mr. Holub's statement during his presentation concerning the ability of the dairy industry to comply with the proposed dairy requirements. He stated his belief that most dairies can comply with the requirements. However, the dairy industry may experience problems

with containment related to excessive rainfall. Mr. Feenstra apprised the Regional Board of ongoing activities to develop and implement various strategies to contain excessive rainfall and haul manure. Mr. Feenstra stated that the dairy industry is appreciative of the increase in the time from 90 to 180 days to remove manure from the property. However, the dairy industry would like staff to consider a period of 6 to 9 months to allow a responsible and timely process for removal of the manure. Mr. Feenstra also talked about goals and strategies proposed by the Milk Producers Council and urged the Regional Board to consider a period of 5 years to remove all stockpiling in the Chino Basin. Mr. Feenstra answered questions from the Regional Board and Executive Officer Thibeault.

Marjorie Mikels, Upland resident, expressed concerns regarding the proposed dairy permit and the manure removal requirement.

14. Clean Water Act Section 319 (Nonpoint Source) and Section 205(j) Water Quality Planning) Grant Proposal Rankings

Hope Smythe, Chief of the Planning Section, presented this item. Each year the United States Environmental Protection Agency provides grants under Clean Water Act Sections 205(j) and 319 to support planning activities and nonpoint source water pollution control projects within the regional boards. Ms. Smythe reviewed the various project applications submitted for grant funding. She stated that under 319, staff proposes to rank as No. 1., a project proposed by the University of California, Riverside Agriculture Extension Department, to develop agriculture best management practices for the Newport Bay/San Diego Creek watershed. She indicated that this would support the Nutrient TMDL. Under 205(j), staff proposes to rank as No. 1., County of Orange Public Facilities and Resources Department project to review the San Diego Creek water quality objectives, in compliance with the Nutrient TMDL for Newport Bay/San Diego Watershed. Ms. Smythe indicated that the list will be submitted to the State Board and considered by State Board with other regional board lists at an upcoming meeting. Ms. Smythe answered questions from the Board.

Ms. Mikels, Upland resident, inquired as to procedures and criteria for submitting a project and use of the grant funds.

15. Mill Creek Waste Discharge Prohibition

Executive Officer Thibeault announced that this item has been postponed to an upcoming meeting.

16. Nitrogen/TDS Task Force Update

Mark Norton, SAWPA, talked about the progress of the Task Force. He stated that the Task Force has completed Phase 2A of the study that focuses on development and calculation of Basin Plan objectives and determination of assimilative capacity. He also talked about ongoing activities of the Task Force in completing the final phases of the study. He indicated that the Task Force anticipates submittal of the Reclamation Guidance Document for consideration by the Regional Board in the next few months. Mr. Norton introduced Tim Moore, consultant for the Task Force to review the proposed chapters of the reclamation guidance document.

Tim Moore, Risk Sciences, Inc., presented this item. Mr. Moore stated that his presentation would be a continuation of the discussion of the Reclamation Guidance document at the May 21, 1999 meeting. He began by defining the terms degradation and impairment, since these two words are frequently confused. He defined degradation as direction that one is moving, and impairment as the destination, and presented examples of each. He described beneficial use and "burden-of-proof" threshold concentrating on TDS and Nitrogen and discussed degradation/impairment in the context of these levels. He also discussed the need to justify significant degradation. In conclusion, Mr. Moore stated his amazement at the Task Force progress and noted that the Task Force is currently ahead of schedule. He indicated that the next Task Force presentation would be a continuation of the material presented to date, and will focus on defining maximum benefit. He also noted that the final draft of the Reclamation Guidance Document would be distributed to the Regional Board before the next meeting.

Comments were received from the following:

Katherine O'Connor, Orange County Water District, expressed concerns with incremental degradation. She stated that the allowance of any level of degradation would make it more difficult to restore water quality. She also stated that the costs of various technologies, such as operating desalters to lower the salt content, is very expensive to the District. Therefore, she urged the Regional Board to consider alternatives.

Marjorie Mikels, Upland Resident, inquired as to the organization of the Nitrogen/TDS Task Force, and asked questions related to protection of water quality in the local area.

17. Hazardous Waste and Sewage Spill Incident Report

The Regional Board accepted the report as presented.

18. Quarterly Violations Report

The Regional Board accepted the report as presented.

19. Executive Officer's Report

Executive Officer Thibeault advised the Regional Board of settlement funds received from the American Trader Lawsuit and noted that a portion of the funds will be applied toward toxicity and monitoring activities organized by Southern California Coastal Water Research Project (SCCWRP).

Board Member Henriques inquired on activities related to the Inland Feeder Project Permit. Executive Officer Thibeault asked George Muse of the Metropolitan Water District of Southern California to answer questions related to ongoing activities of this project.

21. ADJOURNMENT

Regional Board Chair Stein adjourned the meeting at 12:15 p.m., to the regular meeting of August 20, 1999, at 9:00 a.m., at the City Council Chambers of Loma Linda.

Respectfully submitted:

Gerard J. Thibeault  
Executive Officer

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